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OFFICE OF PETITIONS

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In re Application of
Tetsuji Yamaoka et al.
Application No. 10/578,283
Filed: May 4, 2006
Attorney Docket No. 18900-0004US1 /
200640/US

ON PETITION

This is a decision on the petition filed March 31, 2009, to withdraw the holding of abandonment, which is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

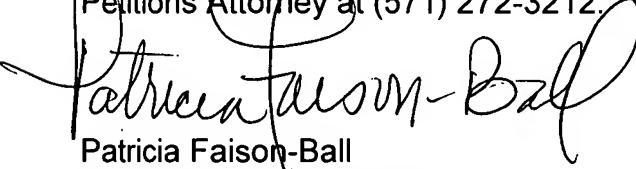
The application was held abandoned on July 25, 2008 for failure to file a timely response to the non-Final Office Action mailed June 23, 2008. A one (1) month period for reply was set. Accordingly, a Notice of Abandonment was mailed February 5, 2009.

Petitioner asserts that in response to the Restriction Requirement, a timely Election was filed July 22, 2008. Submitted as proof is a copy of the response said to have been filed as well as an electronic acknowledgment receipt dated July 22, 2008.

A search of the application file and the USPTO records reveals that in fact, a response was timely filed on July 22, 2008 and is of record. Accordingly, the Notice of Abandonment mailed February 5, 2009 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 1633 for treatment of the response filed July 22, 2009.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions